

UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF WISCONSIN

* * * * *

UNITED STATES OF AMERICA,

Plaintiff,

vs.

Case No. 06-CR-0189-S-01

DAVID FRANKLIN,

Madison, Wisconsin

January 31, 2007

Defendant.

1:15 p.m.

* * * * *

TRANSCRIPT OF PLEA HEARING
HELD BEFORE THE HONORABLE JOHN C. SHABAZ

APPEARANCES:

For the Plaintiff: Office of the United States Attorney
BY: RITA RUMBELOW
Assistant United States Attorney
P.O. Box 1585
Madison, WI 53701-1585

For the Defendant: Delyea and Cornia, LLC
BY: ANTHONY C. DELYEA
520 University Avenue, Suite 260
Madison, WI 53703

Also Present: David Franklin, Defendant
Michael Bell, U.S. Probation Officer

Court Recorder: Emily Stenhoff
120 North Henry Street, Room 320
Madison, WI 53703

Transcription Service: S-B Transcription Service
5212 East Lacy Road
Fitchburg, WI 53711

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1 (Call to Order of the Court)

2 THE CLERK: Case No. 06-CR-189-S, United States of
3 America versus David Franklin, called for plea hearing. May we
4 have the appearances, please?

5 MS. RUMBELOW: Rita Rumbelow for the United States.

6 MR. DELYEA: Good afternoon, Your Honor. Mr. Franklin
7 appears in person, and with his attorney, Anthony Delyea.

8 THE COURT: It's the Court's understanding that the
9 defendant agrees to plead guilty to the one-count indictment in
10 this case pursuant to a proposed plea agreement. Mr. Delyea,
11 is that correct?

12 MR. DELYEA: It is, sir.

13 THE COURT: And, Mr. Franklin, do you plan to enter a
14 plea of guilty today to the one-count indictment as a result of
15 a proposed plea agreement?

16 DEFENDANT FRANKLIN: Yes.

17 THE COURT: Ms. Rumbelow, any comments relating to the
18 proceeding which we're about to enter?

19 MS. RUMBELOW: No, Your Honor.

20 THE COURT: At this time then, I would ask that
21 Mr. Franklin please rise so the oath may be administered to
22 him.

23 DAVID FRANKLIN, DEFENDANT, SWORN

24 THE COURT: Mr. Franklin, I want you to understand
25 that you are now under oath and if you answer any of my

1 questions falsely, your answers can be later used against you
2 in another prosecution for perjury or making a false statement.
3 Is that your understanding?

4 DEFENDANT FRANKLIN: Yes.

5 THE COURT: And what is your full name, sir?

6 DEFENDANT FRANKLIN: My full name is David Lee
7 Franklin.

8 THE COURT: And how old are you, Mr. Franklin?

9 DEFENDANT FRANKLIN: I'm 49 years old.

10 THE COURT: And what schooling have you had? What's
11 the top grade that you went to?

12 DEFENDANT FRANKLIN: Twelfth.

13 THE COURT: Did you graduate?

14 DEFENDANT FRANKLIN: Yes.

15 THE COURT: Have you been treated recently for any
16 mental illness or addiction to narcotic drugs of any kind?

17 DEFENDANT FRANKLIN: Not in, not recently, but in the
18 past, yes.

19 THE COURT: All right. And what was that treatment?

20 DEFENDANT FRANKLIN: For using cocaine.

21 THE COURT: All right. And how long ago was that?

22 DEFENDANT FRANKLIN: That was about, maybe about six,
23 seven years ago I was on probation.

24 THE COURT: All right. Anything about that treatment
25 which would in any way affect your ability to render a fair and

1 impartial verdict in this case?

2 DEFENDANT FRANKLIN: No, Your Honor.

3 THE COURT: Strike that. That's the wrong question.
4 I've been asking jurors now for so long that I can't get you
5 straight. All right. Do you understand these proceedings?

6 DEFENDANT FRANKLIN: Yes, I do.

7 THE COURT: Are you currently under the influence of
8 any drug, medication, or alcoholic beverage of any kind?

9 DEFENDANT FRANKLIN: No.

10 THE COURT: Have you received a copy of the
11 indictment --

12 DEFENDANT FRANKLIN: Yes, I have.

13 THE COURT: -- pending against you--that is, that's
14 the written charges made against you in this case--and have you
15 fully discussed those charges, and the case in general, with
16 Mr. Delyea as your attorney?

17 DEFENDANT FRANKLIN: Yes, I have.

18 THE COURT: And are you fully satisfied with the
19 counsel, representation, and advice given to you in this case by
20 Mr. Delyea as your attorney?

21 DEFENDANT FRANKLIN: Yes, I am.

22 THE COURT: Did you read and discuss the proposed plea
23 agreement with your attorney before you signed it?

24 DEFENDANT FRANKLIN: Yes, I did.

25 THE COURT: And does the proposed plea agreement

1 represent the entire understanding that you have with the
2 government?

3 DEFENDANT FRANKLIN: Yes.

4 THE COURT: Do you understand the terms of the plea
5 agreement?

6 DEFENDANT FRANKLIN: Yes, I do.

7 THE COURT: And this is a letter dated January 24,
8 2007, addressed to Mr. Delyea by the Assistant United States
9 Attorney Ms. Rita M. Rumbelow, signed by you on January 26 of
10 2007. Is this then the proposed plea agreement that the Court
11 has been referring to, that letter?

12 DEFENDANT FRANKLIN: Yes.

13 THE COURT: Does the plea agreement represent the
14 entire understanding that you have with the government?

15 DEFENDANT FRANKLIN: Yes, it does.

16 THE COURT: Do you understand the terms of the
17 proposed plea agreement?

18 DEFENDANT FRANKLIN: Yes.

19 THE COURT: Has anyone made any other or different
20 promise or assurance to you of any kind in an effort to persuade
21 you to plead guilty in this case?

22 DEFENDANT FRANKLIN: No, they haven't.

23 THE COURT: I want you to understand that the terms of
24 the proposed plea agreement are merely recommendations to the
25 Court, recommendations that the Court can reject without

1 permitting you to withdraw your plea of guilty and could then
2 impose a sentence that is more severe than that which you may be
3 expecting. Do you understand and agree with that, sir?

4 DEFENDANT FRANKLIN: Yes.

5 THE COURT: If the Court chooses not to follow the
6 terms of the plea agreement and rejects those which are
7 binding, you will then be given the opportunity to withdraw
8 your plea of guilty. And if you choose not to withdraw your
9 plea, the Court may impose a more severe sentence without being
10 bound by the plea agreement which it has previously rejected.
11 Do you understand and agree with those statements?

12 DEFENDANT FRANKLIN: Yes, I do.

13 THE COURT: Has anyone made any promise or assurance
14 to you of any kind in an effort to persuade you to plead guilty
15 in this case, Mr. Franklin?

16 DEFENDANT FRANKLIN: No, they haven't.

17 THE COURT: Has anyone attempted in any way to force
18 you to plead guilty in this case?

19 DEFENDANT FRANKLIN: No, they haven't.

20 THE COURT: Are you pleading guilty of your own free
21 will because you are guilty?

22 DEFENDANT FRANKLIN: Yes, I am.

23 THE COURT: The offense to which you will be pleading
24 guilty is a felony offense and, if your plea is accepted, you
25 will then be adjudged guilty of that offense, and such

1 determination may deprive you of certain valuable civil rights,
2 such as the right to own and/or possess a firearm, the right to
3 vote, the right to hold public office, and the right to serve on
4 a jury. Do you understand that by having been convicted of a
5 felony you may be deprived of these and other valuable civil
6 rights?

7 DEFENDANT FRANKLIN: Yes.

8 THE COURT: The Court then will address each paragraph
9 of the proposed plea agreement. This is a letter of January 24
10 of 2007 addressed to Mr. Delyea. Is this, sir, the proposed
11 plea agreement which you have signed and read?

12 DEFENDANT FRANKLIN: Yes.

13 THE COURT: You've agreed to plead guilty to the one-
14 count indictment in this case. It charges a violation of 21
15 United States Code Section 841(a)(1), and carries a maximum
16 penalty of 20 years in prison, maximum penalties of, well, it's
17 a minimum, it carries a minimum penalty of 20 years in prison
18 and maximum penalties of life in prison, a \$4 million fine, a
19 minimum 10-year period of supervised release, a \$100 special
20 assessment. In addition to these maximum penalties, any
21 violation of a supervised release term could lead to an
22 additional term of imprisonment pursuant to federal law.

23 You agree to pay the assessment of \$100 at or before
24 sentencing. You also understand the Court will enter an order
25 pursuant to federal law requiring the immediate payment of that

1 assessment, and in an appropriate case a defendant could be held
2 in contempt of court and receive an additional sentence for his
3 or her failure to pay the special assessment as ordered by the
4 Court.

5 Do you understand and agree with those provisions in
6 paragraph numbered one of the proposed plea agreement?

7 DEFENDANT FRANKLIN: Yes.

8 THE COURT: Looking then at paragraph 2. You've
9 acknowledged by pleading guilty that you're giving up the
10 following rights: A, to plead not guilty and to persist in that
11 plea; B, to a jury trial; C, to be represented by counsel and,
12 if necessary, have the Court appoint counsel at trial and at
13 every other stage of the trial proceedings; D, to confront and
14 cross-examine adverse witnesses; E, to be protected from
15 compelled self-incrimination; F, to testify and present
16 evidence; and G, to compel the attendance of witnesses. Is that
17 your understanding and your agreement with those provisions in
18 paragraph numbered two of this proposed plea agreement,
19 Mr. Franklin?

20 DEFENDANT FRANKLIN: Yes, it is.

21 THE COURT: Paragraph 3. You've agreed that the
22 conduct in this case involved crack cocaine as that term is used
23 in the Sentencing Guidelines Section 2D1.1. And you've also
24 agreed not to contest the administrative forfeiture of the
25 currency seized during this investigation. Is that your

1 understanding and your agreement with those provisions in
2 paragraph numbered three?

3 DEFENDANT FRANKLIN: Yes.

4 THE COURT: At paragraph 4, you understand that there
5 may be evidence in this case that could be subjected to DNA
6 testing and, B, you could petition the district court under
7 federal law for DNA testing of evidence after conviction in this
8 case. By your signing of this proposed plea agreement, you have
9 knowingly and voluntarily waived your right to postconviction
10 DNA testing of all evidence in this case. Is that your
11 understanding and your agreement of those provisions in
12 paragraph numbered four?

13 DEFENDANT FRANKLIN: Yes, it is.

14 THE COURT: At paragraph 5, the United States has
15 agreed that the guilty plea will completely resolve all possible
16 federal criminal violations that have occurred in the Western
17 District of Wisconsin provided that both of the following
18 conditions are met: A, the criminal conduct relates to the
19 conduct described in the indictment and, B, the criminal conduct
20 was known to the United States as of the date of this proposed
21 plea agreement. This agreement not to prosecute is limited to
22 those types of cases for which the United States Attorney's
23 Office for this, the Western District of Wisconsin, has
24 exclusive decision-making authority.

25 You also understand the United States will make its full

1 file available to the Probation Office for its use in preparing
2 the presentence report. Is that your understanding and your
3 agreement of those terms in paragraph 5?

4 DEFENDANT FRANKLIN: Yes, it is.

5 THE COURT: Looking at paragraph 6. The United States
6 agrees to recommend that the Court in computing the advisory
7 sentencing guideline range, and in sentencing you, give you, the
8 defendant, the maximum available reduction for acceptance of
9 responsibility, which recommendation is based on facts currently
10 known to the United States, and is contingent upon your
11 acceptance of responsibility according to the guideline factors
12 in 3E1.1.

13 And the United States is free to withdraw this
14 recommendation should you have previously engaged in any conduct
15 which is unknown to the United States and which is inconsistent
16 with acceptance of responsibility, or should you engage in any
17 conduct between the date of this plea agreement and the
18 sentencing hearing which is inconsistent with acceptance of
19 responsibility. Is that your understanding and your agreement
20 of those provisions in paragraph numbered six of the proposed
21 plea agreement, Mr. Franklin?

22 DEFENDANT FRANKLIN: Yes, it is.

23 THE COURT: Looking at paragraph 7, you've agreed to
24 complete a financial statement, which has or will be provided to
25 you, and to return it to the United States Attorney's Office

1 within one week from your receipt of -- one week from this
2 guilty plea hearing. You've also agreed that the Probation
3 Office may disclose to the United States the net worth and cash
4 flow statements to be completed by you in connection with the
5 preparation of the presentence report, together with all
6 supporting documents.

7 Is that your understanding and agreement as it relates to
8 those previous paragraphs 6 and 7?

9 DEFENDANT FRANKLIN: Yes, it is.

10 THE COURT: Paragraphs 8 and 9. Eight, in the event
11 of an appeal by either party, the United States reserves the
12 right to make arguments in support of or in opposition to the
13 sentence imposed by the Court. And, 9, you understand that the
14 sentencing discussions are not part of the plea agreement and
15 you should not rely upon the possibility of a particular
16 sentence based upon any sentencing discussions between defense
17 counsel and the United States.

18 Is that your understanding and your agreement of those
19 provisions in paragraphs 8 and 9?

20 DEFENDANT FRANKLIN: Yes, it is.

21 THE COURT: Looking at paragraph 10. Is it your
22 understanding of this agreement, is it your understanding that
23 this agreement conforms with what you've understood to be the
24 case as well as with the government's position? And by your
25 signing, you've acknowledged your understanding that the United

1 States has made no promises or guarantees regarding the sentence
2 which will be imposed. You also acknowledge your understanding
3 the Court is not required to accept any recommendations which
4 may be made by the United States, and that the Court can impose
5 any sentence up to and including the maximum penalties set out
6 in paragraph numbered one of the proposed plea agreement.

7 Is that your understanding and your agreement with the
8 provisions set forth in that paragraph No. 10, Mr. Franklin?

9 DEFENDANT FRANKLIN: Yes.

10 THE COURT: Do you understand the possible
11 consequences of your plea, Mr. Franklin?

12 DEFENDANT FRANKLIN: Yes, I do.

13 THE COURT: Under the Sentencing Reform Act of 1984,
14 the United States Sentencing Commission has issued guidelines
15 for judges to follow in determining the sentence in a criminal
16 case. Those guidelines were previously mandatory. The Supreme
17 Court, however, has determined them to be advisory only. And I
18 would ask at this time if you and your attorney have talked
19 about how these sentencing guidelines might apply to your case?

20 DEFENDANT FRANKLIN: Yes, we have.

21 THE COURT: I want you to understand that the Court
22 will not be able to determine the guideline sentence for your
23 case until after the presentence report has been completed and
24 both you and the government have had the opportunity to
25 challenge the reported facts and the application of the

1 guidelines recommended by the probation officer, and that the
2 sentence imposed may be different from any estimate your
3 attorney may have given you. Do you understand and agree with
4 that, sir?

5 DEFENDANT FRANKLIN: Yes, sir.

6 THE COURT: After your guideline range has been
7 determined, the Court has the authority in some circumstances
8 to depart from the guidelines and impose a sentence that is
9 either more severe or less severe than the sentence called for
10 by the guidelines. Is that your understanding as well?

11 DEFENDANT FRANKLIN: Yes, it is.

12 THE COURT: Parole has been abolished. If you are
13 sentenced to prison, you will not be released on parole. Do you
14 understand that, sir?

15 DEFENDANT FRANKLIN: Yes, I do.

16 THE COURT: Do you also understand that under certain
17 circumstances, you or the government may have the right to
18 appeal any sentence imposed by this Court?

19 DEFENDANT FRANKLIN: Yes, I do.

20 THE COURT: By entering into this plea agreement and
21 entering a plea of guilty, you will have waived or given up
22 your right to a trial. Do you understand that, sir?

23 DEFENDANT FRANKLIN: Yes.

24 THE COURT: I want you to understand that you have the
25 right to plead not guilty to any offense charged against you

1 and to persist in that plea. You would then have the right to
2 a trial by jury, at which trial you would be presumed to be
3 innocent, and the government would have to prove your guilt
4 beyond a reasonable doubt. You would have the right to the
5 assistance of counsel for your defense, the right to see and
6 hear witnesses, all witnesses, and have them available to see
7 and hear. Is that your understanding?

8 DEFENDANT FRANKLIN: Yes, it is.

9 THE COURT: Now then, to just cover it one more time.
10 You have, in addition to those rights previously given you, the
11 right to plead not guilty to any offense charged against you,
12 persist in that plea, to have the right to a trial by jury.
13 I've told you previously, at which trial you would be presumed
14 to be innocent. The government would be required to prove your
15 guilt beyond a reasonable doubt, and you would have the right to
16 the assistance of counsel for your defense, the right to see and
17 hear all the witnesses, and have them cross-examined in your
18 defense, the right on your own part to decline to testify unless
19 you voluntarily elected to do so in your defense, and the right
20 to the issuance of subpoenas or compulsory process to compel the
21 attendance of witnesses to testify in your defense.

22 Do you understand that you have all of those rights, sir?

23 DEFENDANT FRANKLIN: Yes, I do.

24 THE COURT: Do you further understand that should you
25 decide not to testify or put on any evidence, these facts cannot

1 be used against you?

2 DEFENDANT FRANKLIN: Yes.

3 THE COURT: And once again, by entering into this
4 proposed plea agreement and entering a plea of guilty, you will
5 then have waived or given up those rights that the Court has
6 discussed with you. Do you understand that, sir?

7 DEFENDANT FRANKLIN: Yes.

8 THE COURT: I want you to further understand that by
9 entering a plea of guilty, if that plea is accepted by this
10 Court today, there will be no trial. You will then have waived
11 or given up your right to a trial, as well as those other rights
12 associated with a trial as I have just described to you. Do you
13 understand and agree with that, sir?

14 DEFENDANT FRANKLIN: Yes.

15 THE COURT: At this time the Court will call on
16 Ms. Rumbelow, the Assistant United States Attorney, and she is
17 going to explain the essential elements of the offense--that is,
18 what the government would be required to prove at trial--and
19 inform you of the charge to which you will be pleading guilty.
20 And also, you will have the opportunity to explain and assent
21 and agree to the facts constituting the crime charged.
22 Ms. Rumbelow.

23 MS. RUMBELOW: Your Honor, Mr. Franklin is entering a
24 guilty plea to one count of Title 21 United States Code Section
25 841(a)(1), possession with intent to distribute cocaine base.

1 The government has to prove two essential elements. First,
2 that Mr. Franklin knowingly or intentionally possessed cocaine
3 base, also known as crack cocaine; second, that Mr. Franklin
4 possessed the cocaine base with the intent to deliver it to
5 another person.

6 Had this case gone to trial, officers with the Dane County
7 Narcotics and Gang Task Force would have testified that on
8 September 21, 2006, they executed a federal search warrant at
9 Mr. Franklin's residence at 838 North Thompson Drive, Apartment
10 No. 4 in Madison. Officers would have testified that during
11 the search of that residence, they located documents addressed
12 to Mr. Franklin at that address, \$7,819 in United States
13 currency, baggies with corners missing from them, a digital
14 scale, as well as 67 grams of suspect cocaine base. Oh, the
15 government does charge in the indictment, Your Honor, that he
16 possessed more than 50 grams with intent to distribute.

17 The government also would have introduced the testimony of
18 Amanda Hanson, a drug analyst with the Wisconsin State Crime
19 Lab, and she would have testified that the substance recovered
20 from Franklin's apartment did test positive for the presence of
21 cocaine base. And the government would have asked the Court to
22 take judicial notice that Madison is in the Western District of
23 Wisconsin.

24 THE COURT: The Court notes that 838 Thompson Drive,
25 Apartment No. 4 in the City of Madison, as is the City of

1 Madison, in the Western District of Wisconsin.

2 Mr. Franklin, did you hear the United States Attorney
3 advise you of what this case is all about?

4 DEFENDANT FRANKLIN: Yes.

5 THE COURT: And do you agree with what it said?

6 DEFENDANT FRANKLIN: Yes.

7 THE COURT: Do you disagree with anything that she
8 said?

9 DEFENDANT FRANKLIN: No.

10 THE COURT: Looking then at Count 1, on or about
11 September 21, 2006, in Madison, Wisconsin, in the Western
12 District of Wisconsin, did you, David L. Franklin, knowingly and
13 intentionally possess with intent to distribute 50 grams or more
14 of a substance or mixture containing cocaine base, crack
15 cocaine, a Schedule II controlled substance?

16 DEFENDANT FRANKLIN: Yes.

17 THE COURT: Now, did you know what you had? You knew
18 what you possessed?

19 DEFENDANT FRANKLIN: No, I didn't.

20 THE COURT: You didn't know what you possessed?

21 DEFENDANT FRANKLIN: Wait, no, no. Yes, I did. Yes,
22 I did. It just came out wrong. Yes, I did. Yeah.

23 THE COURT: Did you know what you were going to do
24 with it?

25 DEFENDANT FRANKLIN: Yes.

1 THE COURT: What?

2 DEFENDANT FRANKLIN: Well, me and a friend was going
3 to distribute.

4 THE COURT: All right. So then you possessed it with
5 the intent to distribute it, do you understand?

6 DEFENDANT FRANKLIN: Yes.

7 THE COURT: And do you understand that this related to
8 50 grams or more of a mixture or substance containing cocaine
9 base, that is crack cocaine, a Schedule II controlled substance?
10 Is that your understanding?

11 DEFENDANT FRANKLIN: Yes.

12 THE COURT: And have you heard now that the analyst
13 has determined that it was 67 grams of cocaine base or crack
14 cocaine? Is that your understanding?

15 DEFENDANT FRANKLIN: Yes.

16 THE COURT: I want you, once again, to understand that
17 if you do plead guilty to this one-count indictment, a
18 presentence report will be prepared. The Court will then
19 consider whether or not to accept or reject the proposed plea
20 agreement. If it decides to reject the proposed plea
21 agreement, you will then have the opportunity to withdraw your
22 plea and change it to not guilty. Is that your understanding
23 and agreement?

24 DEFENDANT FRANKLIN: Yes.

25 THE COURT: And how do you now plead to the charge in

1 the one-count indictment pending against you in this case?

2 DEFENDANT FRANKLIN: Guilty.

3 THE COURT: It's the finding of the Court in the case
4 of United States of America against David L. Franklin, No. 06-
5 CR-189-S, that the defendant is fully competent and capable of
6 entering an informed plea, that he is aware of the nature of the
7 charges and the consequences of the plea, that the plea of
8 guilty is a knowing and voluntary plea supported by an
9 independent basis in fact containing each of the essential
10 elements of the offense. The plea is therefore accepted, and
11 the defendant is now adjudged guilty of that offense set forth
12 in the one-count indictment pending against him in Case No. 06-
13 CR-189-S, United States against David L. Franklin.

14 We now come to the sentencing. A written presentence
15 report will be prepared by the Probation Office to assist the
16 Court in sentencing. Mr. Franklin, you will be asked to
17 provide information for that report and your attorney may be
18 present, if you wish your attorney to be present, during those
19 interviews. You will be given the opportunity to read the
20 report. You will be required to discuss it with Mr. Delyea,
21 and you may then file any objections to the presentence report.

22 That presentence report will be made available to you on
23 or about March 14th, and you have two weeks thereafter, until
24 March 28th, to serve and file any objections to that presentence
25 report. The Court is then scheduling sentencing for April 11th

1 at 1:15 p.m. Mr. Delyea, is that schedule agreeable to yours?

2 MR. DELYEA: It is, Your Honor.

3 THE COURT: Ms. Rumbelow?

4 MS. RUMBELOW: It is, Your Honor.

5 THE COURT: The Court will continue to have you
6 detained pending sentencing. And the Court will allow you and
7 your attorney to address it at the time of sentencing as to
8 that sentence to be imposed. The government will also have
9 that opportunity.

10 Before we adjourn, is there anything else that you believe
11 should be addressed, Mr. Delyea?

12 MR. DELYEA: Just one small scheduling issue, Your
13 Honor. The Court ordered that he return the financial
14 statement within one week of receipt.

15 THE COURT: Right.

16 MR. DELYEA: I mailed that to him. He hasn't even
17 received it yet. I would ask if the Court could perhaps give
18 us two weeks to complete that.

19 THE COURT: Two weeks to complete it?

20 MR. DELYEA: Yes, sir. I have a trial scheduled next
21 week, and I'm just going to have a hard time to have an
22 opportunity --

23 THE COURT: And then when would it be due?

24 MR. DELYEA: Today's the 31st. We could have it in on,
25 easily in on February 12th.

1 THE COURT: All right. The Court will then require
2 that that be returned not later than February 12th of 2007.
3 Anything further from the defendant?

4 MR. DELYEA: Nothing. Thank you, Your Honor.

5 THE COURT: What further matter should the Court
6 address the defendant with, Ms. Rumbelow?

7 MS. RUMBELOW: Nothing, Your Honor.

8 THE COURT: Anything further?

9 MS. RUMBELOW: Nope.

10 THE COURT: All right. If that's the case then, we'll
11 stand adjourned.

12 (Proceedings concluded at 1:48 p.m.)
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20 *I certify that the foregoing is a correct transcript from the*
21 *electronic sound recording of the proceedings in the above-*
entitled matter.

22
23 _____
Susan Barsness
24 *Certified Transcriptionist*
25

01/05/08
Date